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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/726,948 | 11/29/2000 | Michael Joseph Wood | 2705-116 | 1102 |

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MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

EXAMINER

FOX, JAMAL A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2664

4

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,948

Applicant(s)

WOOD ET AL.

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2000.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Choe (U.S. Patent No. 6,009,093).

Referring to claim 1, Choe discloses a network device, comprising: a) at least two communication ports (PORTS 0-7, Fig. 3 ref. sign 25), wherein each port is operable to communicate with a different device (col. 8 lines 28-36); b) an interface operable to provide communication between at least two ports (PORTS 0-7, Fig. 3 ref. sign 25), wherein the interface is configurable as to a physical layer (col. 9 lines 13-28) and a network layer (col. 9 lines 40-47).

Referring to claim 2, Choe discloses the network device of claim 1 wherein at least one device is a terminal equipment device (Fig. 1, ref. signs TE1 and TE2).

Referring to claim 3, Choe discloses the network device of claim 1 wherein at least one device is a network terminal device (Fig. 1, ref. signs NT1 and NT2).

Referring to claim 4, Choe discloses the network device of claim 1 wherein the interface is further configurable as to synchronized or sourced clock (Fig. 1, CTM 17 and col. 7 lines 11-15).

Referring to claim 6, Choe discloses a network interface, comprising: a) at least two lines operable to allow reception of data (Fig. 3 ref. signs T1 RX and CM RX); b) at least two lines operable to allow transmission of data (Fig. 3 ref. signs T1 TX and CM TX); c) a processor (microprocessors, col. 5 lines 35-56 and col. 9 lines 3-13; CPM10, Fig. 2 and col. 5 line 66-col. 6 line 44), wherein the processor is operable to allow alteration of the characteristics of the interface with respect to the physical layer and the network layer thereby altering the data received and transmitted.

Referring to claim 7, Choe discloses the interface of claim 6 wherein the processor is further operable to allow alteration of a clock and a power signal (CPM10, Fig. 2 and col. 5 line 66-col. 6 line 44; here it is understood that the Central Processing Module can alter the configuration of the Clock Tone Module (CTM 17) and the Power Module (PWM 18)).

Referring to claim 8, Choe discloses a network interface, comprising: a) means for receiving data (Fig. 3 ref. signs T1 RX and CM RX); b) means for transmitting data (Fig. 3 ref. signs T1 TX and CM TX); c) means for altering an interface with respect to

the physical layer (col. 9 lines 13-28) and the network layer (col. 9 lines 40-47) thereby altering the data received and transmitted.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choe in view of Maas et al.

Referring to claim 5, Choe discloses the network device of claim 1, but does not explicitly teach of wherein the interface is further configurable to provide phantom power. Maas et al. discloses an interface configurable to provide phantom power in (col. 2 line 45 – col. 3 line 19). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the configurable interface that provides phantom power of Maas et al. to the invention of Choe in order to change the mode from TE to NT or vice versa as suggested by Maas et al.

Referring to claim 9, Choe discloses a method for providing a configurable network interface (col. 9 lines 13-28 and col. 9 lines 40-47), comprising: a) providing a user interface (Fig. 3 ref. sign 21) operable to allow a user to configure a network interface (Fig. 3 ref. sign 25) including: i) selection of a type of interface desired (col. 9

line 64 – col. 10 line 2); ii) selection between a synchronized clock or a sourced clock (Fig. 1, CTM 17 and col. 7 lines 11-15); and selection between user-side or network-side (user/network, col. 10 lines 7-32); and b) receiving input signals from a user designating the selections (signaling, col. 10 lines 7-32); and a processor (microprocessors, col. 5 lines 35-56 and col. 9 lines 3-13; CPM10, Fig. 2 and col. 5 line 66-col. 6 line 44) operable to receive the input signals and configure the interface in accordance with those selections, but does not explicitly teach of the selection of whether phantom power will be provided. However, Maas et al. discloses an interface configurable to provide phantom power in (col. 2 line 45 – col. 3 line 19). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the configurable interface that provides phantom power of Maas et al. to the invention of Choe in order to change the mode from TE to NT or vice versa as suggested by Maas et al.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.

Referring to claim 10, Chen et al. discloses a computer-readable medium including software code (computer program, col. 5 lines 16-22) , such that when the software code is executed it results in:

a) a user interface (user interface, col. 4 lines 3-12) to allow independent selection of parameters of a serial interface (serial interface, col. 4 lines 45-61);

b) reception of inputs indicating settings for the parameters (2400, 4800, 9600 and 19,200 bps, col. 4 lines 46-51); but does not explicitly teach of

c) configuration of the interface in accordance with the settings. However it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included configuring the interface in accordance with the settings because the various parameter settings are supported by the serial interface as suggested by Chen et al.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

Application/Control Number: 09/726,948
Art Unit: 2664

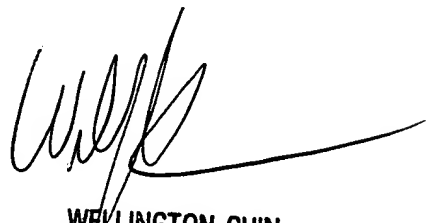
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872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.A.F.

Jamal A. Fox



WELLINGTON CHIN
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